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Juan M. Fajardo, Esq.
Assistant Regional Counsel
New Jersey Superfund Branch
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 2
290 Broadway, 17th Floor
New York, New York 10007-1866

Re: Lower Passaic River Remedial Design for Lower 8.3 Miles

Dear Mr. Fajardo:

I understand that you recently received a copy of correspondence from Derrick Vallance sent on behalf of Maxus Energy Corporation, Tierra Solutions, Inc. and Occidental Chemical Corporation that was directed to my client, Franklin-Burlington Plastics, Inc. ("FBP"), in which these companies seek to enlist my client in the remedial design process for Operable Unit 2 of the Passaic River Superfund Site.

FBP wishes to again reiterate to U.S. Environmental Protection Agency that, as set forth its March 10, 2015 *de minimis* application and its April 22, 2016 to the Agency, FBP qualifies for *de minimis* status and is prepared to provide evidence in support of its status. FBP continues to look forward to the opportunity to discuss its application and participate in the cash-out process in the future.

Very truly yours,



Norman W. Spindel

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cc: Sarah Flanagan
Nicoletta Di Forte

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RECEIVED